REMARKS

Claims 1 – 86 are pending in this application.

In a Final Office Action mailed January 25, 2007, claim 16 has been objected to under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 16 has been canceled.

Claims 1, 16, and 29 have been rejected under 35 USC 101 stating the claimed invention is directed to non-statutory subject matter. Claims 1 and 29 have been amended to overcome this rejection. Claim 16 has been canceled.

Claims 1 – 3, 5, 7, 16 – 20, 22, 24 – 30, 39 – 46, 48, 50, 59 – 63, 65, 67 – 73, and 82 – 86 have been rejected under 35 USC 103(a) as being unpatentable over Shiimori (US Patent No. 6,853,461, hereinafter "Shiimori") in view of Cocotis et al. (US Patent No. 6,980,964, hereinafter "Cocotis"). Claims 16 and 17 have been canceled. Otherwise, this rejection is respectfully traversed. The present invention as claimed works very much differently than any of the cited references, either alone or combined. In the present invention, the photographer selects one or more fulfillment centers independently of the market portal computer based on the services or options available at the fulfillment center. That is, all the information about the fulfillment centers is presented to the photographer, who then can make an informed decision on the order, including the fulfillment center to fulfill the order, based on all the information. The photographer has complete freedom to choose a fulfillment center and formulate an order. Both Shiimori and Cocotis are designed to control the choice of fulfillment center, and thus teach away from the invention. This is an important distinction that has always been in the claims, and the claims have been amended to specifically include this distinction in the independent claims.

Claim 1 has been amended to include a second computer readable medium embodying instructions for directing a photographer processing unit to: establish a connection with said first processing unit; receive said photographer list of fulfillment centers from said first processing unit; display said list of options and said photographer list of fulfillment centers; after said list of options is displayed, receive an input specifying at least one fulfillment center to fulfill said order; and transmit said order to said first processing unit. Claim 44 has been amended to include the limitation that the photographer processing unit is utilized to select a fulfillment center using the list of options and the list of at least one fulfillment center. Neither Shiimori nor Cocotis include these

limitations. In Shiimori, the user utilizes client computer, that is, the photographer processing unit, to select a fulfillment center store based on the geographic area in where the user is located. See column 3, lines 48 – 65 and column 15, lines 13 – 23. The list of options is sent to the photographer processing unit only after the store is selected. See column 3, line 59 – column 4, line 26 and column 15, lines 24 – 37. In Cocotis, the market portal 403, i.e., the first processing unit, selects the fulfillment center based on the order. See column 7, lines 36 – 44.

For the above reasons, claims 1 and 44 are patentable over the cited references, since the cited references teach away from the selection of the fulfillment center by the photographer based on all the information on all fulfillment centers, including both the fulfillment centers and the options available at each fulfillment center.

Claims 2 – 3, 5, 7, 24 – 26, 28 – 30, 40, 41, 45 – 46, 48, 50, 72, 73, 83, and 84 are also patentable at least for the reason that they depend on a patentable claim and include all its limitations. *In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) at headnote 4. Further, with respect to claim 24, in Cocotis, the parameters are included in the gateway or marketing portal software, not in the request. Likewise, with respect to claims 25, 26, and 28, the parameters are in the gateway software, not the request from the photographer processing unit. In Shiimori, the request only includes area information. Further, with respect to claims 27 and 70, the portion of Shiimori referred to by the Office Action as including graphics, i.e., FIG. 18 and column 12, lines 14 – 24, does not include anything about graphics.

Claims 4, 6, 8 – 14, 31 – 34, 47, 49, 51 – 57, and 74 – 77, have been rejected under 35 USC 103(a) as being unpatentable over Shiimori and Cocotis as applied to claims 1, 7, 29, 30, 44, 50, 72, and 73 above, and further in view of well-known prior art. This rejection is respectfully traversed. All of these claims depend on a patentable claim and, therefore, are patentable. In addition, all of the rejections are based on the Examiner's opinion of what is well-known art, not references. While these limitations may be known in art somewhat distant from the photographic software art, no evidence is provided that the specific applications of the limitations are known in the art of the invention. *Ex Parte Nowel*, 158 USPQ 237, 239 (POBA 1967) at headnote 2.

Claims 15, 21, 58, and 64 have been rejected under 35 USC 103(a) as being unpatentable over Shiimori and Cocotis as applied to claims 1, 20, 44, and 63 above, and further in view of Arledge, Jr., et al. (US Patent No. 6,535,294, hereinafter "Arledge"). This rejection is respectfully

traversed. It is not seen how Arledge is related to the present invention. First of all, the portion of Arledge referred to by the Examiner, namely FIG. 7 and column 14, lines 16 – 31, does not disclose a web page with pointers to web pages listing options, but rather web pages listing products, such as t-shirts, mugs, posters, etc. See FIG. 7 and column 7, lines 29 – 34. Thus, Arledge does not provide the flexibility of the present system in which the options for printing the image can be specified. Further, Arledge presents to the end user fulfillment centers based on the state and country selected by the user. This teaches against the present invention in which the list of fulfillment centers has no relation to the state and country specified by the end user, but rather is related only to the options available at the fulfillment center. Further, once an end user selects a fulfillment center, it is fixed, and does not change. This is done to enhance end user loyalty. Once again, the idea is to control the end user. The end user cannot select a fulfillment center to fulfill a specific order. Nor can the end user select a fulfillment center based on the options available at the fulfillment center. In sum, Arledge does not provide what is missing in Shiimori and Cocotis. Thus, claims are patentable over the combination of Shiimori, Cocotis, and Arledge.

Claims 23, 35 – 38, 66, and 78 – 81 have been rejected under 35 USC 103(a) as being unpatentable over Shiimori and Cocotis as applied to claims 17, 29, 60, and 72 above, and further in view of Garfinkle et al. (US Patent No. 6,017,157, hereinafter "Garfinkle"). This rejection is respectfully traversed. All of these claims depend on a patentable claim and, therefore, are patentable. *In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) at headnote 4.

In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance. This response is being filed with a Request for Continued Examination (RCE) and the required fee. Applicants believe no additional fee is due with this response. However, if an additional fee is due, please charge our Deposit Account No. 50-1848, under Order No. 010684.0103PTUS from which the undersigned is authorized to draw.

Respectfully submitted,
PATTON BOGGS LLP

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By: _____
Carl A. Forest
Registration No.: 28,494
(303) 894-6114
(303) 894-9239 (Fax)
Attorney for Applicants

Customer No. 24283